

UNITED STATES DISTRICT COURT

District of New Jersey

Chambers of
William H. Walls
District Judge

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Martin Luther King Jr.
Federal Courthouse
50 Walnut Street
Newark, New Jersey 07102

NOT FOR PUBLICATION

LETTER ORDER

ORIGINAL ON FILE WITH CLERK OF COURT

March 13, 2012

Appearances:

Jason Franklin
L.S.C.I. Allenwood
P.O. Box 1000
White Deer, PA 17887

Michael Robertson
Assistant United States Attorney
970 Broad Street, Suite 700
Newark, NJ 07102

Re: United States v. Jason Franklin; Crim. No. 09-446(WHW)
Motion for Reduction of Sentence Pursuant to 18 U.S.C. § 3582(c)

Dear Mr. Franklin:

On March 31, 2010, this Court sentenced you to 60 months imprisonment for conspiracy to distribute 5 grams or more of cocaine base in violation of 21 U.S.C. § 846(a)(1) and (b)(1)(B) and possession of a weapon by a convicted felon in violation of 18 U.S.C. § 922(g)(1). Although the applicable guideline range found by the Court in the Statement of Reasons was 57 to 71 months, this range was in error as the mandatory minimum for count one, conspiracy to distribute 5 grams or more of cocaine base, is 60 months.

Under 18 U.S.C. § 3582(c) and U.S.S.G. § 1B1.10, defendants are eligible for a sentence reduction if the retroactive application of the new crack guidelines lowers the applicable guideline range. You were sentenced to 60 months imprisonment, the mandatory minimum for count one. Changing the drug calculations and base offense level would not change the guideline range. You are not eligible for a sentence reduction under 18 U.S.C. § 3582(c).

CONCLUSION

It is on this 13 day of March, ²⁰¹²~~2011~~,

ORDERED that Jason Franklin's Motion for Reduction of Sentence is DENIED.

s/William H. Walls
United States District Judge